



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 60-8	Subject: RESTITUTION (YOUTH)
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Applicable ACA Standards: 2-7065, 2-7142	Revision Date: 01-09-06, 09-14-07, 11-23-07, 01-06-09
Signature: /s/ Karen Duncan	Effective Date: 12/31/02
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

Youth Community Corrections (YCC) Bureau employees will follow established procedures for the collection and accounting of victim restitution ordered by the Youth Court or required by the Department. The Department recognizes that restitution assists in the mission of holding youth accountable as well as recognizing victims and their rights. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

Court-Ordered Restitution and Associated Financial Obligations - any financial payments or services paid in response to a Youth Court Order with a specific condition of the order for the youth to pay a designated amount toward restitution, fines, fees and other costs.

Department-Required Restitution - any financial payment or services required by a Department program or facility to pay for loss and/or damage to state property caused by a youth.

Restitution - financial payments or services to a victim when these payments are made pursuant to a youth court order or to the state following a facility/program requirement.

III. PROCEDURES:

- A. Youth may be ordered, by the Youth Court, to pay restitution as part of their commitment to the Department of Corrections. The amount and type of restitution ordered is based on the following:
1. age of the youth;
 2. ability of the youth to pay;
 3. the ability of the parents or legal guardian to pay;
 4. amount of damage to victim; and
 5. legal remedies of the victim.

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- B. Youth who violate their parole in a manner where there is damage to state property may be required to complete restitution payments as determined by a YCC Hearings Officer.
 - C. For youth not paying for independent living expenses, 70% of money received (including wages, gifts, Indian Allotment Funds, etc.) by the youth will be paid to the Youth Court ordering restitution and/or to the Department of Corrections when required by a YCC Hearings Officer. If current needs are being met by means other than Social Security income, Social Security income may be used to pay restitution.
 - D. For those youth who pay their own living expenses or who have other mitigating circumstances which hinders their ability to pay, a lesser percentage can be established.
 - E. When a youth fails to pay restitution, the Juvenile Parole Officer (JPO) will determine the reason(s) for that failure to pay. In circumstances where it is determined that the youth is unable to pay for an extended period of time or refuses to pay restitution ordered, the Juvenile Parole Officer will notify the Youth Court.
 - F. Per Procedure [YCC 110-1](#), prior to discharging a youth who still owes restitution, the JPO will inform Youth Court Services of the youth's status. Youth cannot receive an early discharge with court-ordered financial obligations.
 - G. When a youth's parole is being revoked via an on-site hearing or the waiver process due to a new offense involving damage to state property, the youth will be asked to sign the ["Acknowledgment of Restitution Responsibility" form, YCC 60-8 \(A\)](#). If it is determined restitution should be required for a victim other than the state, the parole officer will refer the matter to the district court.
 - H. If the youth refuses to accept responsibility for restitution, the matter will be referred to the County Attorney's Office for prosecution.
 - I. At no time will a JPO accept cash for restitution payments. Any checks or money orders will be photocopied as a receipt. The payment will be sent to the Youth Court. All checks or money orders must be payable to the Youth Court. For restitution ordered by the Youth Court Judge, the youth shall make payments directly to the Youth Court and provide the JPO with a receipt.
 - J. The Regional Administrative Officer (RAO) will track all restitution paid and owed on the Restitution Database. The RAO will account for all restitution owed, paid, and balance remaining.
 - K. **STEPS:**
 - 1. Amount of restitution determined.
- RESPONSIBILITY:**
- Youth Court Judge

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YCC Hearings Officer

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| 2. | Establish a restitution payment plan in the Case Progress Review and parole agreement. Advise youth to contact Clerk of District Court regarding the amount of court-ordered fines and fees. | JPO
Youth |
| 3. | Monitor and document restitution payments on chronological face sheet and give documentation to Regional Administrative Officer. | JPO |
| 4. | Request youth court restitution payments monthly from Office of Court Administrator. Document restitution payments/balances on Restitution Database | RAO |
| 5. | Inform Youth Court Services when restitution is not actively being paid. | JPO |
| 6. | Use "Acknowledgment of Restitution Responsibility" form when appropriate [YCC 60-8 (A)] . | JPO |

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

V. REFERENCES:

[41-5-103 \(22\), MCA](#) [Definitions](#)
[41-5-1512\(4,13,14,17\), MCA](#) [Disposition of Youth in Need of Intervention - of youth who violate consent adjustments](#)
[41-5-1513 \(1\) \(a\), MCA](#) [Disposition - delinquent youth restrictions](#)
[YCC 5.7.1](#) [Youth Restitution](#)

VI. ATTACHMENTS:

[YCC 60-8 \(A\) Acknowledgment of Restitution Responsibility](#)